

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN ROBERT DEMOS, JR.,)
Plaintiff,) CASE NO. MC10-138-MJP
v.)
THE STATE OF WASHINGTON, et al.,) REPORT AND RECOMMENDATION
Defendants.)

Plaintiff John Demos submitted an application for leave to proceed *in forma pauperis* (“IFP”) and a proposed admiralty complaint to the District of Nevada, which transferred this matter to the Western District of Washington. (Dkts. 1, 3.) Plaintiff was convicted in 1978 of attempted rape and first-degree burglary and was sentenced to an indeterminate sentence of 240 months to life in prison.

Plaintiff is well-known locally and nationally as an abusive litigant. He is under pre-filing bar orders in a number of courts, including this Court, the Eastern District of Washington, the Washington State courts, the Ninth Circuit Court of Appeals, and the United States Supreme Court. See, e.g., *Demos v. Storrie*, 507 U.S. 290, 291 (1993). An Order of

01 this Court provides for the return without filing of any petition that seeks an extraordinary writ
 02 pursuant to 28 U.S.C. §§ 1651, 2253 or 2254, unless accompanied by the filing fee. *See*
 03 *Demos v. Stanley*, MC97-0031-JLW (W.D. Wash. Mar. 13, 1997). In addition, plaintiff may
 04 submit only three IFP applications and proposed actions each year. *See In re John Robert*
 05 *Demos*, MC91-269-CRD (W.D. Wash. Jan. 16, 1992); *In re Complaints and Petitions*
 06 *Submitted by John Robert Demos* (W.D. Wash. Dec. 15, 1982). Furthermore, under 28 U.S.C.
 07 § 1915(g), plaintiff must demonstrate “imminent danger of serious physical injury” to proceed
 08 IFP because he has had numerous prior actions dismissed as frivolous, malicious, or for failure
 09 to state claim. *See Demos v. Lehman*, MC99-113-JLW (W.D. Wash. Aug. 23, 1999).

10 Plaintiff has already filed three IFP applications and proposed civil actions in 2010.
 11 *See Demos v. State of Washington*, MC10-12-JLR (W.D. Wash., filed Jan. 26, 2010); *Demos v.*
 12 *State of Washington*, MC10-16-JLR (W.D. Wash., filed Feb. 2, 2010); *Demos v. Vail*,
 13 MC10-20-JLR (W.D. Wash., filed Jan. 11, 2010). Plaintiff may not, therefore, submit the
 14 present IFP application and proposed admiralty action. *See In re John Robert Demos*,
 15 MC91-269-CRD (W.D. Wash. Jan. 16, 1992). In addition, because he alleges that “pirates”
 16 disguised as Washington state officers harmed him in 1988, he has failed to demonstrate that he
 17 is presently in imminent danger of serious physical injury.¹ 28 U.S.C. § 1915(g); *Demos v.*
 18 *Lehman*, MC99-113-JLW (W.D. Wash. Aug. 23, 1999).

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22 1 The Court need not, therefore, discuss the questionable nature of plaintiff’s invocation of federal admiralty jurisdiction for having been kidnapped on the high seas by “pirates” driving over land.

The Court recommends that plaintiff's application to proceed IFP be denied and the accompanying admiralty complaint be dismissed. A proposed Order is attached.

DATED this 4th day of October, 2010.



Mary Alice Theiler
United States Magistrate Judge